

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

BARBARA C. HILTON

PLAINTIFF

V.

CASE NO.: 2:21-cv-33-TBM-RPM

DELTA AIR LINES, INC. AND
DEFENDANTS A-E

DEFENDANTS

NOTICE OF REMOVAL OF ACTION
FROM THE CIRCUIT COURT OF THE SECOND JUDICIAL DISTRICT OF
JONES COUNTY, MISSISSIPPI, TO THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

TO: Wayne E. Ferrell, Jr., Esq.
Attorney at Law
405 Tombigbee Street
Post Office Box 24448
Jackson, Mississippi 39225-4448

COMES NOW, the undersigned Defendant, Delta Air lines, Inc., through counsel, as authorized by 28 U.S.C. §1441, and in support of this removal would show unto the Court the following:

1. On January 11, 2021, an action was commenced against Delta Air Lines, Inc., in the Circuit Court of the Second Judicial District of Jones County, Mississippi, entitled “Barbara C. Hilton v. Delta Air Lines, Inc. and Defendants A-E”, and being Cause No. 2021-02-cv1 [Doc. #2] on the general docket of said Court. Defendant, Delta Air Lines, Inc., was served with process on March 2, 2021.

2. The above described action is one for which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §1441 in that it is a civil action, wherein the amount

in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs as Plaintiff's counsel has demanded compensatory damages in the amount of \$995,000.00 and punitive damages in her Complaint, and there is diversity of citizenship of Plaintiff and Defendant as further set forth herein.

3. Plaintiff at the time this action was commenced was and still is a citizen of Jones County, Mississippi and the Defendant, Delta Air Lines, Inc. was at the time this action commenced, and still is, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Atlanta, Georgia.

4. Defendant Delta Air Lines, Inc. appears herein by its attorneys specifically and solely for the purpose of removing this suit from the Circuit Court of the Second Judicial District of Jones County, Mississippi to this Court.

5. Defendant, promptly after the filing of this Notice of Removal, will give written notice of same to the adverse party by written notice to the attorneys of record for Plaintiff, and will file a copy of the Notice of Removal with the Clerk of the Circuit Court of the Second Judicial District of Jones County, Mississippi and effect the removal of this suit from the Circuit Court of the Second Judicial District of Jones County, Mississippi to this Court, to the end that said state court shall proceed no further unless and until this suit is remanded.

RESPECTFULLY SUBMITTED, this the 8th day of March, 2021.

UPSHAW, WILLIAMS, BIGGERS
& BECKHAM, LLP

BY: s/Richard L. Kimmel
RICHARD L. KIMMEL, MBN: 3772

OF COUNSEL:

UPSHAW, WILLIAMS, BIGGERS
& BECKHAM, LLP
POST OFFICE DRAWER 8230
GREENWOOD, MISSISSIPPI 38935-8230
TEL: (662) 455-1613
FAX: (662) 453-9245
EMAIL: rkimmel@upshawwilliams.com

Certificate of Service

I hereby certify that on March 8, 2021 I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Wayne E. Ferrell, Jr., Esq.
Attorney at Law
Post Office Box 24448
Jackson, Mississippi 39225-4448

s/Richard L. Kimmel

RICHARD L. KIMMEL